

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

MARSHALL DIVISION

JOHN BRYON JONES, #1902213	§	
VS.	§	CIVIL ACTION NO. 2:16cv493
DIRECTOR, TDCJ-CID	§	

ORDER OF DISMISSAL

Petitioner John Bryon Jones, proceeding *pro se*, an inmate confined at the Michael Unit within the Texas Department of Criminal Justice (TDCJ), filed this petition for a writ of habeas corpus pursuant to § 2254 complaining of the legality of his criminal conviction. The case was referred to the United States Magistrate Judge, the Honorable Judge Roy S. Payne, for findings of fact, conclusions of law, and recommendations for the disposition of the case.

On November 7, 2018, Judge Payne issued a Report, (Dkt. #19), recommending that Petitioner's petition for a writ of habeas corpus be dismissed, with prejudice. Specifically, Judge Payne determined that his petition was untimely and that, even if it were not untimely, Petitioner's claims were nonetheless meritless. Petitioner has filed timely objections, (Dkt. #23).

The Court has conducted a careful *de novo* review of those portions of the Magistrate Judge's proposed findings and recommendations to which the Petitioner objected. *See* 28 U.S.C. §636(b)(1) (District Judge shall "make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made."). Upon such *de novo* review, the Court has determined that the Report of the United States Magistrate Judge is correct and the Petitioner's objections are without merit. Accordingly, it is

ORDERED that Plaintiff's objections, (Dkt. #23), are overruled and the Report of the Magistrate Judge, (Dkt. #19), is **ADOPTED** as the opinion of the District Court. Further, it is

ORDERED that the above-styled petition for a writ of habeas corpus is **DISMISSED** with prejudice. It is also

ORDERED that Petitioner is **DENIED** a certificate of appealability *sua sponte*. Finally, it is

ORDERED that any and all motions which may be pending in this action are hereby **DENIED**.

So ORDERED and SIGNED this 21st day of February, 2019.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE